

REMARKS

I. Status of the Claims

Claims 1-34 are pending in the application. Claims 16-33 are withdrawn pursuant to a restriction requirement. Thus, claims 1-15 and 34 are under examination and stand rejected, variously, under 35 U.S.C. §112, first paragraph and 35 U.S.C. §102. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

II. Rejection Under 35 U.S.C. §112, First Paragraph

Claims 1, 3-9, 11, 13-15 and 34 stand rejected under the first paragraph of §112 as lacking an adequate written description. According to the examiner, the aspect of "variants" is inadequately supported by the application as filed. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended above to recite SEQ ID NO: 19 with no variation (claim 34), or 99% homology to SEQ ID NO:20 (claims 1, 9 and 11). Support for the latter amendment can be found at page 58, line 31, of the specification. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

III. Rejection Under 35 U.S.C. §102

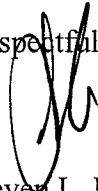
Claims 1-15 and 34 are rejected as anticipated by U.S. Patent 6,870,043 ("the '043 patent"). According to the examiner, SEQ ID NOS: 1 and 2 of the '043 patent are 85.5% and 98% homologous to SEQ ID NOS: 19 and 20 of the present application. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended as discussed above to recite SEQ ID NO: 19 with no variation (claim 34), or 99% homology to SEQ ID NO:20 (claims

1, 9 and 11), both of which distinguish the cited art. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

IV. Conclusion

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The examiner is invited to contact the undersigned attorney at 512-536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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